FAO No. 3280 of 2006 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 29.8.2006

Jagdish

.....Appellant

Versus

Rajender and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

.....

Present : Mr.Yashwinder Paul Singh, Advocate
for the appellant.

...

UMA NATH SINGH.J. (O)

This F.A.O. arises out of an award dated 16.12.2005 passed in MACT Petition No.127 of 2004 by the Presiding Officer, Motor Accident Claims Tribunal, Rohtak awarding a sum of Rs.1,61,000/- in an injury case where the claimant suffered 75% permanent disability.

Learned counsel for the appellant submitted that the appellant is not the registered owner and the liability has been wrongly fastened upon him.

We have carefully perused the award. From para 4 of the award it appears that despite notice having been served on the appellant he did not choose to contest the case. Besides, the driver of the offending vehicle is facing a criminal case. He had filed the written statement but he did not appear to contest the case. The Tribunal has taken a reasonable view in awarding a sum of

Rs.1,61,000/- in a case where the claimant being mason by occupation aged about 35 years has suffered 75% permanent disability including a spinal injury.

That apart, the re-filing and filing of the appeal is barred by 30 days and 41 days, respectively. We have also perused the explanation given in the applications. The explanation given does not show a sufficient cause. The Hon'ble Apex Court in the judgment reported in AIR 1998 SC 2276 (**P.K.Ramachandran versus State of Kerala and another**), has held that the Courts cannot extend the limitation on equitable ground.

Hence, the appeal is dismissed on the ground of delay as well as on merits. However, it would be open for the appellant to establish his right before the competent court against the registered owner irrespective of this order.

(UMA NATH SINGH)
JUDGE

29.8.2006

(MAHESH GROVER)
JUDGE

dss